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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TESLA, INC., a Delaware corporation,
Plaintiff,

vs.

MARTIN TRIPP, an individual,
Defendant.

Case No. 3:18-cv-00296-LRH-CLB

**DECLARATION OF ELON MUSK
IN SUPPORT OF OPPOSITION TO
MOTION TO COMPEL**

AND RELATED COUNTERCLAIMS

1 I, Elon Musk, declare as follows:

2 1. I have personal knowledge of the facts set forth herein. If called as a witness, I could
3 and would competently testify to the matters stated herein.

4 2. I am a co-founder and CEO at Tesla, Inc., overseeing all product design,
5 engineering and manufacturing of Tesla's electric vehicles and energy products. Tesla is a public
6 company headquartered in Palo Alto and employing over 40,000 people.

7 3. I am also a co-founder, CEO and lead designer of Space Exploration Technologies
8 (SpaceX), where I oversee the development and manufacturing of advanced rockets and spacecraft
9 for missions to and beyond Earth orbit, with the goal of building a self-sustaining city on Mars. I
10 am also CEO of Neuralink, which is developing ultra-high bandwidth brain-machine interfaces to
11 connect the human brain to computers. I also founded The Boring Company, which combines fast,
12 affordable tunneling technology with an all-electric public transportation system in order to
13 alleviate urban congestion and enable high-speed long-distance travel. Given my obligations at
14 these four companies, it would be a substantial burden and hardship to be deposed in this matter.

15 4. On June 17, 2018, I sent an email to Tesla employees that is referenced in paragraph
16 47 of Defendant Martin Tripp's Answer to Complaint and Counterclaim regarding Mr. Tripp's
17 activities. I do not have firsthand knowledge of Mr. Tripp's activities in obtaining Tesla's
18 confidential information and providing it to parties outside of Tesla. I did not personally conduct
19 the investigation into Mr. Tripp's activities; that was performed by Tesla's security team and
20 vendor. I was not present during the interviews by Tesla's security team during which Mr. Tripp
21 admitted to his misconduct. In preparing my June 17 email, I relied on information provided to me
22 by others as a result of that investigation.

23 5. On June 20, 2018, I sent the email referenced in paragraph 54 of Defendant Martin
24 Tripp's Answer to Complaint and Counterclaim. I did not receive, and therefore do not have
25 firsthand knowledge of, the call received at Tesla's Las Vegas call center regarding the Gigafactory
26 threat referenced in that email. The June 20 email was based on information provided to me by
27 others as a result of the investigation into the Gigafactory threat.

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1 6. I did not draft—and was not involved in drafting—the statements referenced in
2 paragraphs 53 and 64 of Defendant Martin Tripp’s Answer to Complaint and Counterclaim.

3 7. On July 5, 2018, I posted the tweet referenced in paragraph 67 of Defendant Martin
4 Tripp’s Answer to Complaint and Counterclaim in which I asked Linette Lopez whether she had
5 paid Mr. Tripp. As I stated, I did not personally conduct the investigation into Tripp’s activities;
6 that was performed by Tesla’s security team and vendor. My questions to Ms. Lopez were
7 prompted by information provided to me as a result of that investigation.

8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct. Executed on November 20, 2019, at Los Angeles, California.

10
11 

12 _____
Elon Musk